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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 **RICHARD E. WILMSHURST,**

12 Plaintiff,

13 v.

14 **MARRIOTT OF SAN FRANCISCO, SAM**
15 **SNOWDEN, IGNATIUS CHINN, WILLIAM**
16 **LOCKYER, BLAKE GRAHAM, LEE**
17 **CAREAGA, JOHN MARSH, and KISU YO**
18 **AND DOES 1 THROUGH 100,**

19 Defendants.

C 07 3790 WHA

**DEFENDANT WILLIAM
LOCKYER'S REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE
PENDING HEARING OF
DISPOSITIVE MOTION;
[PROPOSED] ORDER**

CMC Date: December 6, 2007
Time: 11: a.m.
Courtroom: 9, 19th Floor
Judge: Honorable William
Alsup

20 **A. Nature of Action; Procedural Status**

21 This is an action for damages brought by *pro per* plaintiff pursuant to 42 U.S.C. section 1983.
22 Plaintiff sues defendant Attorney General Lockyer claiming alleged use of excessive force and
23 unlawful arrest. Defendant is unaware of any of the other named defendants being served as of this
24 date.

25 Following service of this action, Defendant Lockyer promptly calendared a motion to dismiss,
26 now set for hearing on January 17, 2008. The motion asserts numerous grounds for dismissal
27 including the complaint being barred by the applicable statute of limitations.

1 **B. Grounds for Request**

2 Defendant was served with this case only in the last twenty (20) days. This matter was set for
3 a case management conference on December 6, 2007. Proper preparation for such a conference
4 would require a substantial amount of effort, including service and filing of early disclosures, and
5 a joint case management conference statement.

6 Given the pendency of defendant Lockyer's dispositive motion, however, it would appear
7 premature to hold the case management conference at the scheduled time. Obviously, if the motion
8 is successful, the necessity for the conference would be mooted. However, even if the motion is not
9 wholly-dispositive, the likely narrowing of issues would render much of the conference preparation
10 and discovery unnecessary.

11 Consequently, in the interests of justice, to avoid unnecessary time and expense to all parties,
12 defendant Lockyer herein respectfully requests that the current case management conference (and
13 associated requirements) be continued pending the hearing on defendant's motion.

14 Dated: November 30, 2007

15 Respectfully submitted,

16 EDMUND G. BROWN JR.
Attorney General of the State of California

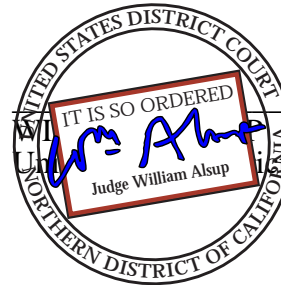
17 PAUL T. HAMMERNESS
Supervising Deputy Attorney General

18
19 */s/ Bradley Solomon*
20 BRADLEY SOLOMON
Deputy Attorney General
21 Attorneys for Defendant William Lockyer
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28

[PROPOSED] ORDER

IT IS ORDERED that the Initial Case Management Conference herein be continued to January 17, _____, 2008. Please note there will be no further continuances.

DATED: December 3, 2007.



Court Judge

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: ***WILMSHURST, Richard E. v. William Lockyer, et al.***

United States District Court, Northern District of California, San Francisco Division

Case No.: **C 07-3790-WHA**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On November 30, 2007, I served the attached

**DEFENDANT WILLIAM LOCKYER'S REQUEST FOR CONTINUANCE OF CASE
MANAGEMENT CONFERENCE PENDING HEARING OF DISPOSITIVE MOTION;
[PROPOSED] ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Richard E. Wilmshurst
P.O. Box 33
Angels Camp, CA 95222
Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 30, 2007, at San Francisco, California.

Emily Tongol

Declarant

/s/ *Emily Tongol*

Signature